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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,081

09/21/2006

Mitsunori Miki

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EXAMINER

LE, TUNG X

ART UNIT

PAPER NUMBER

2821

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,081	<b>Applicant(s)</b> MIKI, MITSUNORI	
	<b>Examiner</b> TUNG X. LE	<b>Art Unit</b> 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on response election submitted on 2/4/2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-27 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,28,29 and 31-51 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-27 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/3/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office Action is in response to the Applicant's response to election-restriction requirement submitted on February 04, 2009.

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 02/03/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Election/Restrictions***

2. Application's election with traverse to prosecute the invention of Species, in communication dated 02/04/2009 is acknowledged.

3. The traversal (on the ground(s) stated in the election paper) is not found persuasive because claims to the different species recite the mutually exclusive characteristics of such species, as set forth in the Restriction Requirement. In addition, these species are not obvious variants of each other based on the current record.

Currently, there is NO generic claim.

4. There is an examination and **search burden** for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

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5.     **Response to Arguments:** The species have mutually exclusive characteristics because **(1)** the species 1 of claims 1-2 and 28-32 is directly drawn to a lighting control system including an illumination comparing device which is compared an arbitrary position and a target illumination and related to repetitively increase or decrease light intensities as shown in figure 1; **(2)** the species 2 of claims 3-27 and 30 is directly drawn a illumination comparing device [12] in figure 6 functioning different with the comparing device in figure 1 of the species 1; and **(3)** the species 3 of claims 33-51 is directly drawn in figure 11 an observation information sampling portion and how to control to make the observation information approach the reference information in order to meet the predetermined condition. Since the above reasons, the species 1 to 3 are being distinct to each others.

6.     Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. Thus, separate searches are required.

7.     The requirement is still deemed proper and is therefore made **FINAL**.

8.     Claims 1-2, 28-29 and 31-51 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected group there being no allowable generic or linking claim.

Applicant has the right to file a divisional application covering the subject matter of the non-elected claims.

**Thus**, Claims 3-27 and 30 are pending in the instant application.

**Note**: Non-elected claims 1-2, 28-29 and 31-51 need to be **canceled** during the next communication in order to advance prosecution of the instant application.

***Quayle Action***

9. This application is in condition for allowance except for the following formal matters:

10. Claim 30 is objected to because of the following informalities:

Lines -12, "A light source comprising the lighting control system according to claim 3" should be changed to --The lighting control system according to claim 3, wherein the light control system further comprises a light source--.

**Note**: A light source can not comprise a lighting control system.

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

11. Claims 3-27 and 30 are allowed.

12. The following is a statement of reasons for the indication of allowable subject matter:

Prior art of record fails to disclose or fairly suggest the following limitations:

- A lighting control system, comprising two or more lighting devices and one or more illumination comparing devices, when the predetermined judgment of the

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selected lighting device is that a predetermined condition is met after at least one lighting device selected from the lighting devices has carried out the light variation control, a lighting device including at least one lighting device other than the selected lighting device is selected and the light variation control and the predetermined judgment using the judgment control portion are carried out in the selected lighting device, and when the predetermined judgment after the light variation control is that the predetermined condition is unmet, in order to meet the predetermined condition, the lighting device including at least one of the selected lighting devices carries out the return control to make the sampled illumination approach the target illumination, in combination with the remaining claimed limitations as claimed in independent claim 3 (claims 4-5, 13-22 and 30 would be allowable as being dependent on claim 3).

- A lighting control system, having two or more lighting devices and one or more illumination comparing devices, the judgment control portion carries out the predetermined judgment after at least one selected lighting device from the lighting devices carries out the light variation control at least one time, after which a lighting device including at least one lighting device other than the selected lighting device is selected and, after the light variation processing has been carried out at least one time in the selected lighting device, the judgment control portion carries out the predetermined judgment and when the predetermined judgment is that the predetermined condition is unmet, the lighting device including at least one of the selected lighting devices carries out the return

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control in order to meet the predetermined condition to make the sampled illumination approach the target illumination, in combination with the remaining claimed limitations as claimed in independent claim 6 (claims 8-11 would be allowable as being dependent on claim 6).

- A lighting control system, having two or more lighting devices and two or more illumination comparing devices, the judgment control portion carries out the predetermined judgment after at least one selected lighting device from the lighting devices carries out the light variation control at least one time, after which a lighting device including at least one lighting device other than the selected lighting device is selected and, after the light variation processing has been carried out at least one time in the selected lighting device, the judgment control portion carries out the predetermined judgment and when the predetermined judgment is that the predetermined condition is unmet, the lighting device including at least one of the selected lighting devices carries out the return control in order to meet the predetermined condition to make the sampled illumination approach the target illumination, in combination with the remaining claimed limitations as claimed in independent claim 7.
- A lighting control system, comprising two or more lighting devices and one or more illumination comparing devices, the lighting devices respectively carry out the light variation control and, after the light variation control, when the predetermined judgment is that a predetermined condition is unmet, the lighting devices carry out the return control in order to meet the predetermined condition,

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and the sampled illuminations of the lighting devices are made to approach the target illumination by setting an amount of light variation in the light variation control as one of an amount varied randomly based on a predetermined amount of light variation, an amount that is a return amount of light in the return control randomly varied, or an amount in which both are randomly varied, in combination with the remaining claimed limitations as claimed in independent claim 12.

- A lighting control system, comprising two or more lighting devices and one or more illumination comparing devices, the judgment control portion of at least one of the two or more lighting devices randomly changes the light intensities of the light sources and the sampled illuminations are made to approach the target illuminations by narrowing a range in which the judgment control portion randomly changes the light intensities based on the comparison result received at the transmitter- receiver portion, in combination with the remaining claimed limitations as claimed in independent claim 23 (claims 24-27 would be allowable as being dependent on claim 23).

### ***Citation of Relevant Prior Art***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Leeb et al. (U.S. Patent No. 6,198,230 B1) discloses dual-use electronic transceiver set for wireless data networks.

Prior art Mehta (U.S. Patent No. 5,627,527) discloses thermostatically controlled remote control for a ceiling fan and light.



***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUNG X. LE whose telephone number is (571)272-6010. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens can be reached on 571-272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TXL 03/23/2009

/David Hung Vu/  
Primary Examiner, Art Unit 2821